

## **ARTICLE 29 - AMENDMENTS**

As Amended 5/1/2000, via BOS Resolution No. 36-00, 12/11/2000, via BOS Resolution No.104-00,  
3/11/2002 via BOS Resolution No. 16-02)

### **Section 2901 - Authority.**

The Board of Supervisors may from time to time, after receiving report and recommendation thereupon by the Commission and after public hearings required by law, amend zoning district boundaries or the regulations herein or subsequently established. Amendment may be initiated either by application or by the Commission on its own motion.

### **Section 2902 - Amendments Initiated by Petition.**

1. Any owner or owners of property desiring a re-classification of their property, or an amendment, supplement or change of the regulations of this Ordinance, shall file with the Board of Supervisors a application, duly signed and acknowledged, describing the proposed amendments, supplements or change of the regulation of this Ordinance, zoning boundaries or districts. Each such application shall also be accompanied by a map showing the existing and proposed district boundaries and other information relating thereto, and by the fee prescribed herein.
2. Upon receipt in proper form of such application, the Board of Supervisors shall submit the same to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold a public hearing thereon after giving at least fifteen (15) days' notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said petition at least fifteen (15) days in advance of the public hearing. The Commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change, and to all Counties, Municipalities and Tribal entities which are contiguous to the area of the amendment or change. The notice sent by mail shall include at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change. The real property owners within the zoning area may file approvals or protests of the proposed rezoning, and notification that if twenty percent of the property owners by area and number within the zoning area file protests, an affirmative vote of three-fourths of all members of the Board will be required to approve the rezoning.
3. Upon receiving the report and recommendation of the Commission, the Board of Supervisors shall hold a public hearing on such application giving at least fifteen (15) days' notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said application at least fifteen (15) days in advance of the public hearing. After public hearing the Board of Supervisors may adopt the applicant's proposed change provided that if twenty percent (20%) of the owners, by number and by area, of all other property within three hundred (300) feet of the proposed change file a protest, such change shall not be made except by the three-fourths vote of all members of the Board of Supervisors.

### **Section 2903 - Amendments Initiated by the Commission.**

Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein for amendments initiated by an application, and shall include adequate posting of the area of concern in amendments changing zoning district boundaries at least fifteen (15) days in advance of all required public hearings. Upon concluding the public hearings, the Board of Supervisors may adopt amendments initiated by the Commission provided that if, in the case of amendments changing zoning district boundaries, twenty percent (20%) of the owners, by number and area, of all other property within three hundred (300) feet of the proposed change file a protest, such amendment shall not be made except by a three-fourths vote of all members of the Board of Supervisors.

### **Section 2904 - Right-of-Way Acquisition.**

The recommendation of the Commission concerning amendments changing zoning district boundaries may include appropriate provision for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines as recommended by the Public Works Department.

### **Section 2905 - Re-Consideration of Denied Petition.**

If an application for amendment is denied by the Board of Supervisors, that application shall not be re-filed nor shall there be filed with the Board of Supervisors any other application for the same amendment within one (1) year unless there is a change of circumstances warranting such filing.

### **Section 2906 - Fees.**

Unless a different amount is expressly stated elsewhere in the Zoning Ordinance, the fees for amendments, rezoning, permits, and all other reviews, approvals, and similar actions provided for in the Zoning Ordinance shall be in accordance with a published schedule of fees adopted by the Board of Supervisors, as the same may be amended from time to time.

### **Section 2907 - Citizen Review**

In accordance with A.R.S § 11-829(b), the following review process is hereby established for each rezoning application requiring one or more public hearings:

1. Notification to adjacent real property owners and other affected persons: in addition to the notification requirements of A.R.S. § 11-829 (c) and Section 2902, the Director of Development Services shall send notice by first class mail to the following: (1) all owners as shown on the last assessment whose property is adjacent to the subject property; and (2) all persons who, in the judgement of the director after consideration of the nature of the rezoning application and the location and character of the subject property, will be affected by the application. Such notice shall be mailed at least 15 calendar days before each hearing on the application.

- a. As an alternative to notifying affected persons by mail as described in clause (2), the Director may, in addition to the publication requirements of § 11-829 (c) and Section 2902, publish in a newspaper, neighborhood flyer, or other periodical whose primary area of distribution includes the area affected by the proposed Rezoning Application.
  - b. The Director's judgement as to the persons affected by the proposed Rezoning Application, or the failure of any person to receive notice, shall not be a basis for challenging or invalidating the approval or denial of that application.
2. Notice to include substance of the proposed rezoning-application: in addition to the requirements of A.R.S. § 11-829 (c) and Section 2902, the notice required by paragraph 1 shall include a "plain english" description of the substance of the proposed rezoning application. The description shall include, at a minimum, a description of the current zoning and examples of permitted uses, a description of the proposed rezoning and examples of permitted uses, and description of the specific uses (if any) proposed by the applicant.
3. Notice to include invitation to express issues and concerns: In addition to the requirements of A.R.S. § 11-829 (c) and section 2902, the notice required by paragraph 1 shall include an invitation to express issues or concerns with the proposed rezoning before each hearing on the rezoning before each hearing on the rezoning application. The notice shall include the name, address, and telephone number of the Development Services staff member to whom issues or concerns may be addressed. The staff member shall ensure that all expressions of issues or concerns are made a matter of record at the hearing.
4. The requirements of this section shall not apply to special use permits pursuant to Section 2002(1) or Section 2002(2).

#### **Section 2908 - Board of Supervisors Adoption of Amendments and Special Use Permits Without a Second Public Hearing.**

Pursuant to Arizona Revised Statutes §11-829(c), the Board of Supervisors, following a public hearing by the Planning & Zoning Commission, may adopt the recommendations of the Planning & Zoning Commission through the use of a consent calendar without holding a second public hearing if no objection, protest, or request for a second public hearing was made at the Planning & Zoning Commission hearing. If there was an objection, protest, or request for a public hearing, or if any member of the Board of Supervisors requests that the matter be removed from the consent calendar, the Board of Supervisors shall hold a public hearing thereon upon notice as required by Section 2902(3).